

HOUSE BILL NO. 179

INTRODUCED BY LAKE

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SMALL BUSINESS LICENSING COORDINATION CENTER TO INFORM EACH BUSINESS ENTERPRISE APPLYING FOR A BUSINESS LICENSE THAT THE BUSINESS ENTERPRISE IS REQUIRED TO OBTAIN A BUSINESS NAME FROM THE SECRETARY OF STATE BEFORE ANY OTHER STATE LICENSE APPLICATION MAY BE PROCESSED; ~~ELIMINATING THE REQUIREMENT THAT THE SECRETARY OF STATE PARTICIPATE IN THE MONTANA SMALL BUSINESS LICENSING COORDINATION PROGRAM; ELIMINATING THE REQUIREMENT THAT THE SECRETARY OF STATE PARTICIPATE IN THE MONTANA SMALL BUSINESS LICENSING COORDINATION PROGRAM AND ON THE BOARD OF REVIEW; AND AMENDING SECTIONS~~ SECTION SECTIONS 30-16-201, ~~AND 30-16-303~~ 30-16-302, AND 30-16-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-16-201, MCA, is amended to read:

"30-16-201. Designation of small business licensing coordination center -- duties of center. The department shall administer a small business licensing coordination center. The small business licensing coordination center shall:

- (1) document and analyze current licensing requirements, fees, and procedures;
- (2) recommend elimination of unnecessary licensing requirements, administrative procedures, or forms or parts of forms that can be eliminated in the public interest;
- (3) recommend efficient and effective improvements in the administration and enforcement of licensing laws, including gathering of information that facilitates the development of a permanent master license certificate;
- (4) recommend revisions in the license fee structure to distribute the cost of licenses equitably and to provide financing for continuing improvements in licensing administration and enforcement;
- (5) develop and upon request distribute information concerning state requirements for starting and operating a business in Montana;

(6) provide assistance to business enterprises to facilitate their compliance with state licensing requirements; The assistance required by this subsection includes a specific obligation for the center to immediately inform each business enterprise applying for a license that the business enterprise is required to obtain a business name from the secretary of state pursuant to Title 35 before any other state license application may be processed.

(7) maintain a supply of license and permit forms or applications for all licenses and actively assist the business community in answering application questions;

(8) maintain a master list of the business types existing in the state and a corresponding list of the licenses or permits needed to operate or start that type of business;

(9) maintain a copy of the Administrative Rules of Montana in order to provide an applicant with the basic rules of any agency with regard to licensing;

(10) encourage agencies to provide informational brochures through the center, especially in the case of complex licensing procedures;

(11) maintain contact with licensing agencies in order to enable the center to assist an applicant with setting up appointments or otherwise facilitate the application process; and

(12) perform other administrative tasks delegated to the center to improve state business license administration."

~~Section 2. Section 30-16-303, MCA, is amended to read:~~

~~"30-16-303. Participation of state agencies. (1) The legislature directs full participation in the implementation of this chapter by:~~

~~(a) the departments of agriculture, environmental quality, revenue, justice, labor and industry, and public health and human services;~~

~~(b) the secretary of state;~~

~~(c)(b) the public service commission; and~~

~~(d)(c) other agencies as directed by the governor.~~

~~(2) The board of review may include licenses not specified in 30-16-301 in a plan for streamlined registration and licensing if:~~

~~(a) the agency administering the license requests that the license be included in the plan;~~

~~(b) the board of review approves including the license by a majority vote of a quorum of the board of~~

1 review; and

2 ~~—— (c) licensees affected by the license's inclusion in the plan are given 60 days' notice of the plan's~~
3 ~~implementation and the notice sets forth in detail the changes in the licensing procedures.~~

4 ~~—— (3) If a license is included in a streamlined registration and licensing plan pursuant to subsection (2):~~

5 ~~—— (a) the agency administering the license may provide for a variance in the timing of the payment of the~~
6 ~~license fee and a variance in the application form, filing date, and penalty provisions in order to conform with the~~
7 ~~plan's criteria;~~

8 ~~—— (b) the board of review shall provide for the equitable proration to the agency administering the license~~
9 ~~of any fees paid by a licensee prior to the plan's implementation; and~~

10 ~~—— (c) the license must be processed and issued by the department of revenue as provided in this chapter.~~

11 ~~—— (4) (a) In order to defray the costs associated with administering a streamlined registration and licensing~~
12 ~~plan, the department may require a transfer of funds from the participating agencies in an amount equal to no~~
13 ~~more than one-half of the total cost of processing and issuing a license.~~

14 ~~—— (b) The amount remaining of the total cost of processing and issuing a license may be charged to the~~
15 ~~license applicant.~~

16 ~~—— (c) The amount of funds transferred by an agency must be based on the number of licenses processed~~
17 ~~and issued on behalf of that agency versus the total number of licenses processed and issued under the~~
18 ~~streamlined registration and licensing plan."~~

19
20 **SECTION 2. SECTION 30-16-302, MCA, IS AMENDED TO READ:**

21 **"30-16-302. Board of review.** (1) There is a board of review. The board of review's duty is to provide
22 policy direction to the department of revenue in the establishment and operation of the system. The board of
23 review includes the directors of the departments of agriculture, labor and industry, environmental quality,
24 livestock, revenue, justice, and public health and human services, ~~the secretary of state~~, a member appointed
25 by the president of the senate, and a member appointed by the speaker of the house. If an agency that is not
26 a member of the board of review requests inclusion in the streamlined registration and licensing plan as provided
27 in 30-16-303, that agency's director must be appointed to the board of review by the governor.

28 (2) The governor shall appoint a presiding officer from among the members of the board of review.

29 (3) The board of review shall meet at the call of the presiding officer at least once each calendar quarter
30 to:

- 1 (a) establish interagency policy and guidelines for the plan;
- 2 (b) review the findings, status, and problems of system operations and recommend courses of action;
- 3 and
- 4 (c) receive reports from industry and agency task forces that the board of review may request to inquire
- 5 into particular issues.
- 6 (4) The board of review may implement a plan for streamlined registration and licensing to include
- 7 licenses not specified in 30-16-301, as provided in 30-16-303.
- 8 (5) The board of review is attached to the department of revenue for administrative purposes only as
- 9 provided in 2-15-121."

10

11 **SECTION 3. SECTION 30-16-303, MCA, IS AMENDED TO READ:**

12 **"30-16-303. Participation of state agencies.** (1) The legislature directs full participation in the

13 implementation of this chapter by:

- 14 (a) the departments of agriculture, environmental quality, revenue, justice, labor and industry, and public
- 15 health and human services;
- 16 ~~(b) the secretary of state;~~
- 17 ~~(e)(b)~~ the public service commission; and
- 18 ~~(d)(c)~~ other agencies as directed by the governor.

19 (2) The board of review may include licenses not specified in 30-16-301 in a plan for streamlined

20 registration and licensing if:

- 21 (a) the agency administering the license requests that the license be included in the plan;
- 22 (b) the board of review approves including the license by a majority vote of a quorum of the board of
- 23 review; and
- 24 (c) licensees affected by the license's inclusion in the plan are given 60 days' notice of the plan's
- 25 implementation and the notice sets forth in detail the changes in the licensing procedures.

26 (3) If a license is included in a streamlined registration and licensing plan pursuant to subsection (2):

- 27 (a) the agency administering the license may provide for a variance in the timing of the payment of the
- 28 license fee and a variance in the application form, filing date, and penalty provisions in order to conform with the
- 29 plan's criteria;
- 30 (b) the board of review shall provide for the equitable proration to the agency administering the license

1 of any fees paid by a licensee prior to the plan's implementation; and

2 (c) the license must be processed and issued by the department of revenue as provided in this chapter.

3 (4) (a) In order to defray the costs associated with administering a streamlined registration and licensing
4 plan, the department may require a transfer of funds from the participating agencies in an amount equal to no
5 more than one-half of the total cost of processing and issuing a license.

6 (b) The amount remaining of the total cost of processing and issuing a license may be charged to the
7 license applicant.

8 (c) The amount of funds transferred by an agency must be based on the number of licenses processed
9 and issued on behalf of that agency versus the total number of licenses processed and issued under the
10 streamlined registration and licensing plan."

11 - END -